



UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Bjarke de Jager Gotfredsen)

Application No. 09/674,714)

Filed: December 19, 2000)

For: Mouse Pad Comprising a Card)
Read/Write Device)

Group Art Unit: 2876

Examiner: Jamara A. Franklin

Recordation of Substance of Interview

As required by MPEP § 713.04, the applicant hereby submits this record of the substance of the April 22, 2003 telephone interview between the applicant's counsel, Daniel Maguire, and the examiner.

Exhibits: The applicant submitted the "Discussion Points" document attached hereto.

Claims Discussed: All in general.

Prior Art Discussed: Wilson (Des. 380,462)

Action Proposed: The applicant proposed allowance of the claims.

Substance of Discussion: The applicant's counsel, Daniel Maguire, raised the points identified on the attached exhibit. In the applicant's view, these arguments should remove the rejections that were issued in the January 16, 2003 office action. The examiner was not in a position to substantively respond during the interview. However, after conferring with her supervisor, the examiner telephoned the applicant's counsel, and indicated that the prior art rejections would be withdrawn if the applicant submitted a formal response incorporating the arguments made during the interview. The examiner also indicated that there may be problems with the wording of claim 1.

Other Matters Discussed: None.

Results of Interview: The parties agreed that the prior art rejections would be withdrawn if the applicant submitted a formal response that reflects the arguments

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made during the interview.

Date: May 27, 2003

By:

Dan Maguire

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Discussion Points for Interview

Ser. No. 09/674,714

"Mouse Pad Comprising a Card Read/Write Device"

Applicant's Counsel: Daniel Maguire (530 750 3661)

Desired date for interview: Friday, April 11, 2003

Discussion Points

- 1.) Does the examiner consider the Wilson reference to anticipate the present invention? The examiner states that the rejection is based on 35 USC 103, but only one reference (Wilson) is cited for certain claims, namely claims 13, 15, 18, 20, and 31. Also, the examiner has remarked that under a broad interpretation, Wilson's disk drive is "integrated" with the mouse pad. The applicant seeks clarification as to whether this interpretation of "integrated" is the basis for the rejection. (Note that claims 1 and 2 do not use the term "integrated").
- 2.) If there is no anticipation, what is the basis for the modification of Wilson to incorporate a disk drive or other read/write device in the mouse pad? Wilson does not suggest moving the disk drive into the mouse pad, and indeed there would be little point in doing so since the computer is a notebook model, and thus the CPU will always be close to the mouse pad. The present invention provides the advantage of keeping the read/write device close at hand, even when the CPU is on the floor or otherwise remote from the work area. The examiner asserts that it would be an obvious "design choice" to move the disk drive into the mouse pad, but no reference is provided for this statement. To the extent that the examiner's personal knowledge is the basis for this assertion, the applicant requests an affidavit.
- 3.) The applicant wishes to inform the examiner that the present invention has now

been patented in Europe and Australia.

4.) The applicant notes that the proposed modification of Wilson to incorporate a disk drive in the retractable mouse pad would make the disk drive inoperable whenever the mouse pad is retracted. When the mouse pad is retracted (and thus is "integrated" with the disk drive according to the office action), there is no way to access the disk drive. For Wilson's mouse pad to be operable, it must be extracted from the notebook. Thus the mouse pad would not be "integrated" -- in any sense of the word -- with the notebook in its operable state. The proposed modification of Wilson would thus render the device at least partially inoperable.

5.) The applicant objects to that portion of the office action that requires the applicant to show a "new and unexpected result." The patent statutes impose no such requirement, and indeed the "synergism" requirement was rejected long ago.